

Irish Education.

MEMORANDUM.

The objects of this Bill are to remove certain difficulties which have arisen in the administration of the Irish Education Act, 1892, and also to make further provision with reference to the expenses of carrying the Act into execution.

Clause 1 of the Bill proposes to amend section 3 of the Act in the following particulars—

Section 3 (1) of the Act provides that in every place to which the Act applies not less than half of every school attendance committee shall (where such persons are available) be managers or patrons of schools in the place. To avoid giving disproportionate representation on the committee to particular religious denominations, the Bill proposes to leave discretionary with the local authorities and Commissioners of Education respectively the appointment of patrons or managers of schools as members of the attendance committees. It also validates appointments already made where the strict proportion required by the Act has not been observed.

The regulations authorised by the same sub-section of the Act to be made by the local authorities have been found to be inadequate, and accordingly the Bill provides that the regulations to be made under the sub-section may embrace any provisions deemed expedient for carrying the Act into execution.

The other provisions contained in clause 1 of the Bill are intended to remove certain doubts which have arisen upon the meaning of section 3 of the Act.

The object of clause 2 of the Bill is to provide in the following manner with reference to the expenses of carrying the Act into execution, including expenses which may be incurred by the Commissioners of Education:—

- (1.) To make it clear that in places where there is more than one local rate or fund applicable, the local authority have the option as to which rate or fund they may apply for the expenses of the Act.

- (2.) To enable a separate rate to be made for the aforesaid expenses where advisable.
- (3.) To make provision for the keeping and auditing of separate accounts of the aforesaid expenses.
- (4.) To make provision for the compulsory payment of the aforesaid expenses.

Clause 3 provides for the settlement of questions which may arise as to the conduct of the proceedings of attendance committees.

Clause 4 proposes to enable a court of summary jurisdiction to send a child whose parent is unable to control it to a certified industrial school, instead of imposing a fine, and in case of continued non-compliance with an attendance order in addition to imposing a fine.

Clause 5 proposes to amend section 17 of the Act of 1892 by extending the compulsory powers contained in that section to the purchase of an acre of land to be used for the purpose of giving practical instruction in agriculture.

Clause 6 proposes to enable the Lord Lieutenant to certify as efficient, schools situate in the places to which the compulsory provisions of the Act of 1892 apply, or may be declared applicable by the Commissioners of Education, provided that the persons responsible for the management of those schools comply with certain conditions as to keeping the school registers open for inspection, and allowing the schools to be inspected.

Sub-clause (5) provides for the payment of a registration fee of 10s. a year, in respect of the number of children in average attendance at schools so certified.

Clause 7 proposes to provide that the onus of showing that a school, other than a national or certified school, is efficient, shall lie on the defendant in cases where a complaint is made to a court of summary jurisdiction.

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TO

Amend and explain the Irish Education Act, 1892

A.D. 1896.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1.—(1.) Notwithstanding anything contained in sub-section one of section three of the Irish Education Act, 1892 (in this Act referred to as the principal Act), it shall be and shall be deemed to have always been discretionary with the local authority and the Commissioners of National Education in Ireland (in this
 10 Act referred to as the Commissioners) respectively to appoint managers or patrons of schools in the place to be members of the school attendance committee if they respectively think fit and not otherwise.

Amendment
 of 55 & 56
 Vict. c. 42,
 s. 3 as to
 Attendance
 Committees.

- (2.) The regulations to be made under the said sub-section by
 15 the local authority may embrace any provisions deemed expedient for carrying the principal Act into execution by that authority.

- (3.) If any member of a school attendance committee dies or resigns, or from any other cause ceases to be a member of the committee, the vacancy, if it occurs amongst the members appointed
 20 by the local authority, shall be filled without delay by the local authority, and if it occurs amongst the members appointed by the Commissioners, shall be filled without delay by the Commissioners, and every member so appointed shall continue in office so long only as the person in whose place he was appointed would have
 25 been entitled to continue in office had such vacancy not occurred.

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(4.) The local authority may, if they think fit, with the assent of the Commissioners, enlarge a school attendance committee to eight or ten members.

(5.) If a school attendance committee is enlarged, the term of office of every additional member shall expire with the term of office of the members of the committee appointed before the enlargement.

(6.) The term of office of attendance committees shall be *three years* reckoned from the *first day of January eighteen hundred and ninety-four* or from the *first day of January* in every subsequent *third year* according to the date of their appointment, notwithstanding anything in section three or the third schedule of the principal Act.

Provision for
expenses.

2.—(1.) The expenses mentioned in sub-section five of section three of the principal Act, and any further expenses incurred in or incidental to carrying the principal Act and this Act into execution, shall be defrayed by the local authority out of any consolidated or other rate assessed for general municipal purposes, or any borough rate or fund, or town or township rate or fund, and the expression "local rate" in the said sub-section shall include and be deemed to have always included any such rate or fund, or those expenses may be raised by means of a separate rate to be assessed and recovered in like manner as any such consolidated or other rate (which separate rate the local authority are hereby empowered to levy), or out of the income of any real or personal property vested in the local authority, and applicable to general purposes of improvement in their district as the local authority may direct.

(2.) Every such rate or fund shall be levied throughout the whole of the district of the local authority.

(3.) Distinct accounts shall be kept of all receipts, payments, and liabilities of the local authority, with reference to expenses incurred in the execution of the principal Act or this Act, and the accounts of such expenses shall be audited and dealt with in manner provided by the Local Government (Ireland) Act, 1871, and the Acts amending the same.

34 & 35 Vict.
c. 106.

(4.) The Commissioners and the school attendance committee respectively shall certify to the local authority, in a form to be settled by the Commissioners, the expenses properly incurred by them respectively, and the local authority shall, upon the receipt of such certificate of the Commissioners or of the attendance committee as the case may be, pay the expenses so incurred and specified in the certificate.

3. If any question as to the conduct of the proceedings of a school attendance committee arises between the local authority and the attendance committee, or between the members of the attendance committee, the same shall be referred to the decision of the Commissioners, and their decision shall be final.

A.D. 1896.

Provision for settlement of questions.

4.—(1.) Where the court is empowered under section four of the principal Act to impose a fine, if the parent satisfies the court that he has used all reasonable efforts to comply with the order made under the said section and that he is unable to control the child, the court may, without imposing a fine, order the child to be sent to a certified industrial school.

Provision for sending children to certified industrial schools.

(2.) In the second or any subsequent case of non-compliance with the order the court may order the child to be sent to a certified industrial school, and may further in its discretion impose a fine or may for each such non-compliance impose a fine without ordering the child to be sent to an industrial school.

(3.) A child shall be sent to a certified industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools (Ireland) Act, 1868, and when so sent shall be deemed to have been sent in pursuance of that Act, and the parent if liable under that Act to contribute to the maintenance and training of the child when sent to an industrial school shall be liable so to contribute when the child is sent in pursuance of this section.

31 & 32 Vict. c. 25.

5. The powers to purchase sites for national schools or teachers' residences conferred by section seventeen of the principal Act as amended by the Irish Education Act, 1893, shall extend to and include a power to purchase land not exceeding one statute acre in extent either as part of or in addition to any such site, where the Commissioners are satisfied that the acquisition of such land is desirable for the purpose of giving practical instruction in agriculture to the pupils attending any such school.

Power to acquire land.
35 & 36 Vict. c. 42, s. 17.
36 & 37 Vict. c. 41.

6.—For the purpose of facilitating the execution of the provisions of the principal Act respecting compulsory education in the places to which those provisions apply or may be declared applicable by the Commissioners, the following provisions shall have effect:—

Power to Lord Lieutenant to appoint inspectors of elementary schools, and to grant certificates of efficiency.

(1.) The Lord Lieutenant may, with the approval of the Treasury as to number and remuneration, appoint persons to be inspectors of elementary schools other than national schools, and every person so appointed shall have such powers, and perform such duties as the Lord Lieutenant prescribes.

A.D. 1896.

- (2.) Where the persons responsible for the management of any such elementary school apply to the Lord Lieutenant for a certificate of efficiency under this section, the Lord Lieutenant may, if he thinks fit, after receiving the report of any such inspector, grant such certificate, subject to the following 5 conditions being complied with :—
- (a.) The school register, so far as it relates to the attendance of scholars, shall be kept in the form prescribed by the Lord Lieutenant, and shall be open for inspection at all reasonable times by any such inspector or any school 10 attendance committee appointed under the principal Act; and
- (b.) The school shall be open to the inspection of any such inspector in such manner as may be arranged by the persons responsible for the management of the school and 15 the inspector, with the approval of the Lord Lieutenant; provided that it shall be no part of the duties of such inspector to inquire into the nature or method of any instruction in religious subjects given at the school, or to examine any scholar therein in religious knowledge, or in 20 any religious subject or book.
- (3.) Where the Lord Lieutenant grants a certificate under this section, he shall as soon as may be cause a notice thereof to be published in the Dublin Gazette, and such publication shall be sufficient evidence of the fact of such school having been 25 so certified.
- (4.) If, in the case of any school so certified, either of the conditions mentioned in this section ceases to be complied with, or if, upon the report of the inspector, the Lord Lieutenant thinks fit to withdraw the said certificate, the 30 school shall, upon publication of such withdrawal in the Dublin Gazette, cease to be a certified school within the meaning of this section.
- (5.) There shall be paid in every year to the persons responsible for the management of any school certified under this Act, so 35 long as it remains so certified, a registration fee of *ten shillings* per head in respect of the average number of children in daily attendance at the said school; provided that in calculating such average attendance, the attendance of any child in respect of whom any payment is made to the persons responsible 40 for the management of the school by the Intermediate Education Board for Ireland shall not be taken into account.

(6.) Where the application for a certificate under this section is made before the *first day of January* next after the passing of this Act, the year for which the registration fee under this section is payable shall be reckoned from the *first day of October* next after the passing of this Act, and in all other cases such year shall be reckoned from the date of the application. A.D. 1896.

(7.) *The expenses of carrying this section into execution, including the salaries of any inspectors appointed thereunder, shall be paid out of money provided by Parliament.*

(8.) The expression "efficient school" in the principal Act shall include every school certified under this section.

(9.) Save as by this section expressly provided, a school certified under this section may be conducted in such manner in all respects as the persons responsible for the management thereof think fit.

7. Where a complaint is made under the principal Act to a court of summary jurisdiction, and the child is attending an elementary school other than a national school, or a school certified under this Act, it shall lie on the defendant to show that the school is efficient. *Proceedings before court of summary jurisdiction.*

8. This Act may be cited as the Irish Education Act, 1896, and save where inconsistent therewith shall be construed as one with the Irish Education Act, 1892 (in this Act referred to as the principal Act), and the Irish Education Act, 1893, and those Acts and this Act may be cited collectively as the Irish Education Acts, 1892 to 1896. *Short title and construction. 55 & 56 Vict. c. 42. 56 & 57 Vict. c. 41.*

Irish Education.

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To amend and explain the Irish
Education Act, 1892.

*(Prepared and brought in by
Mr. Gerald Balfour and
Mr. Attorney General for Ireland.)*

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